IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO : 319 of 2005

Between:

1. Atal Bhhari Acharya S/o.late H.K.Acharya
Military Hospital, Secunderabad (AP).

..... PETITIONER

AND

1 The Union of India through The Secretary Ministry of Defence,

Govt of India, New Delhi 110 011.
2 The Judge Advocate General, Army Headquarters D HQ PO,

New Delhi.
3 The Senior Registrar &Officer Commanding Troops,

Military Hospital, Secunderabad (AP)

4 The Commander, HQ Andhra Sub Area,

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to "Direct the Respondent No.3 herein to produce the body of the petitioner/detenue herein before this Hon'ble court and set him to his liberty by declaring the action of the 3rd Respondent herein on the directions of 4th Respondent herein of trying the petitioner herein for certain allegations of civil nature (excepted for such trial by AA Sec 70 & in violation of this Hon'ble courts order dt 18-5-2004 in WPMP No.11806/2004 in WP No.9189/2004) and sentencing him to suffer (a) Reduced to Ranks, (b) Suffer Rigorous imprisonment for 9 months & (c) Dismissal from service

as being violative of petitioner's Fundamental Rights quaranteed under Article 21 of the Constitution of India and thus Ultra vires the Constitution of India". and pass such other direction, order or orders.

Counsel for the Petitioner: MR.CAPT.K.M.SAXENA

Counsel for the Respondent No.1: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for Respondents 2,3,&4: Mr.Deepak Bhattacharjee

The Court made the following Order: (per Sri BN.J)

A memo has been filed into the Court stating that the petitioner has been released from the custody. Therefore, in our view, the writ petition has become infructuous. Any grievance relating to his salary and other benefits, the petitioner is at liberty to take appropriate remedies from the appropriate authorities.

The writ petition is accordingly dismissed. No costs.

(BILAL NAZKI,J)

Dated 31.01.2005

(V.V.S.RAO,J)

msv.

To

1 The Secretary Ministry of Defence,

Govt of India, New Delhi 110 011.

2 The Judge Advocate General, Army Headquarters D HQ PO,

New Delhi.

3 The Senior Registrar &Officer Commanding Troops,

Military Hospital, Secunderabad (AP)

4 The Commander, HQ Andhra Sub Area,

5 2 CD copies.